

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Elk Grove for an order authorizing the City to construct Grant Line Road Overcrossing over the tracks and right-of-way of the Union Pacific Railroad Company in the City of Elk Grove, Sacramento County, State of California.

Application 06-02-024  
(Filed February 23, 2006)

**O P I N I O N****Summary**

This decision grants the request of the City of Elk Grove (City) for authority to construct a grade-separated highway-rail crossing (crossing) of Grant Line Road over the Union Pacific Railroad (UPRR) tracks and eliminate the existing at-grade crossing. The new grade-separated crossing will be identified as CPUC Crossing No. 001D-121.00-A. The existing at-grade crossing identified as CPUC Crossing No. 001D-121.00 will be closed.

**Discussion**

This grade-separation project provides an east-west crossing of the UPRR which eliminates an existing at-grade crossing, allows unimpeded access to State Route 99, relieves traffic congestion on nearby streets, and accommodates the traffic volume growth on the roadway, maintaining an acceptable operating level of service. The grade separation will consist of a single-span cast-in-place pre-stressed box girder bridge. There will be a total of six vehicular lanes, two bike lanes, shoulders, sidewalks and medians.

All falsework clearances, both horizontal and vertical, will meet UPRR's and the Commission's requirements. Upon completion of the project, all falsework will be removed and the permanent grade-separated structure will have clearances in accordance with General Order 26-D.

### **Environmental Review**

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.<sup>1</sup> Here, City is the lead agency for this project and the Commission is a responsible agency. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.<sup>2</sup>

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<sup>1</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

<sup>2</sup> CEQA Guidelines, Sections 15050(b) and 15096.

On December 14, 2005, the City issued a Mitigated Negative Declaration approving the Grant Line Road widening project, of which the proposed grade-separated crossing is a part. The Mitigated Negative Declaration finds that the project, in combination with proposed mitigation measures, would not have a significant effect on the environment. The Commission reviewed and considered the lead agency's Mitigated Negative Declaration and finds it adequate for our decision-making purposes. Specifically, for the safety, transportation, and noise and concerns that are within the scope of the Commission's permitting process, we find the City adopted feasible mitigation measures as necessary to either eliminate or substantially lessen any associated impacts of the crossing project.

The Commission's Consumer Protection and Safety Division, Rail Crossings Engineering Section (RCES) has inspected the site of the proposed Grant Line Road grade-separated crossing. After reviewing the need for and safety of the proposed grade-separated crossing, RCES recommends that the requested authority sought by City be granted for a period of three years.

Application 06-02-024 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3168, dated March 2, 2006, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3168.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on February 28, 2006. No protests have been received.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct a new, grade-separated crossing of Grant Line Road over the track and right-of-way of the UPRR in the City of Elk Grove. This crossing will be identified as CPUC Crossing No. 001D-121.00-A. The existing at-grade crossing of Grant Line Road will be closed, CPUC Crossing No. 001D-121.00.
3. Public convenience, safety, and necessity require the construction of the subject crossing.
4. The City is the lead agency for this project under CEQA, as amended.
5. The Commission is a responsible agency for this project, and has reviewed and considered the City's environmental documentation specified in this decision.
6. On December 14, 2005, the City issued a Mitigated Negative Declaration approving the Grant Line Road widening project, of which the proposed grade-separated crossing is a part. The Mitigated Negative Declaration finds that the project, in combination with proposed mitigation measures, would not have a significant effect on the environment.

7. Safety, transportation and noise are within the scope of the Commission's permitting process.

8. The Commission finds that for each potentially significant impact related to safety, transportation, or noise, the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

### **Conclusions of Law**

1. The Mitigated Negative Declaration issued by the City as the documentation required by CEQA for the project is adequate for our decision-making purposes.

2. We adopt the City's Mitigated Negative Declaration finding that the project (of which the proposed crossing is part), with mitigations, will not have a significant effect on the environment.

3. The application is uncontested and a public hearing is not necessary.

4. The application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. The City of Elk Grove (City) is authorized to construct a grade-separated highway-rail crossing (crossing) of Grant Line Road over the Union Pacific Railroad (UPRR) tracks and eliminate the existing at-grade crossing at the location (see Appendix A) and substantially as shown on the plans attached to the application. The new crossing shall be identified as CPUC Crossing No. 001D-121.00-A. The existing at-grade crossing of Grant Line Road shall be closed, CPUC Crossing No. 001D-121.00.

2. The City shall comply with all applicable rules, including Commission General Orders and the Federal Highway Administration's Manual on Uniform

Traffic Control Devices (MUTCD), as amended by the MUTCD California Supplement.

3. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the City and the UPRR (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, UPRR shall notify the Commission's Consumer Protection and Safety Division, Rail Crossing Engineering Section (RCES) in writing, by submitting a completed Standard Commission Form G titled *Report of Changes at Highway Grade Crossing and Separations*, that the authorized work was completed.

5. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. A request for extension of the three-year authorization period must be submitted to RCES at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

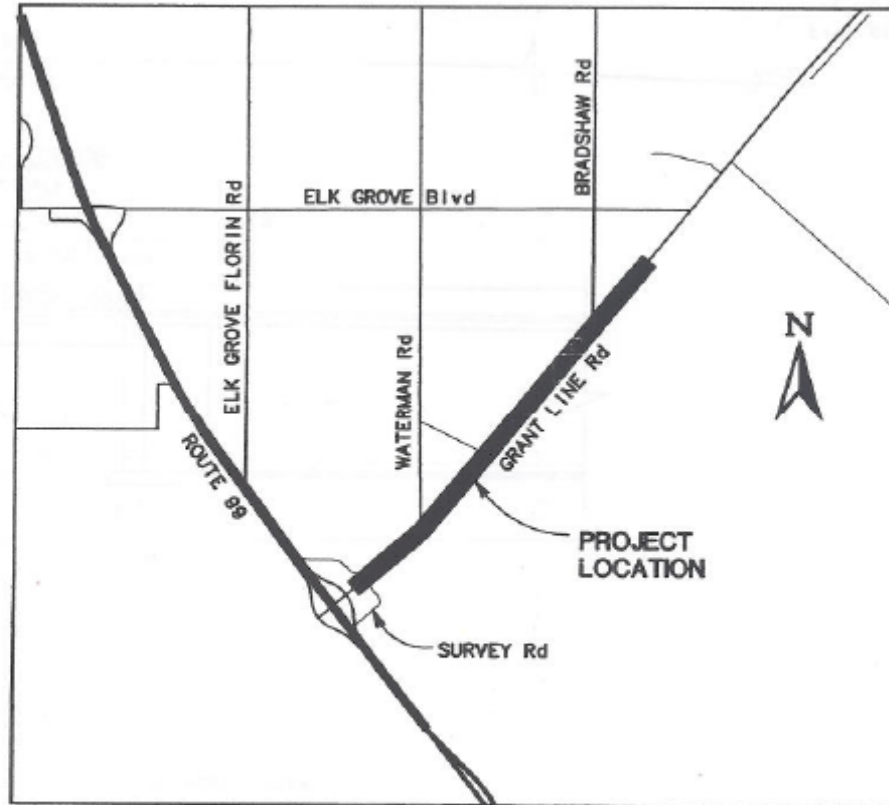
7. This application is granted as set forth above.

8. Application 06-02-024 is closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.

## Appendix A



**LOCATION MAP**  
NO SCALE